



## **Minutes Tempe Police Public Safety Personnel Retirement System Board Meeting May 2, 2013**

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, May 2, 2013, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

**Board Members Present:**

Mark W. Mitchell, Mayor  
Chris McCormick  
Jeff McHenry

**Board Members Absent:**

Joe Brosius  
Penny Higginbottom

**City Staff Present:**

Brigitta Kuiper, City Clerk  
Jon O'Connor, Human Resources representative  
Wendy Messina, Human Resources representative

**Legal Counsel Present:**

Cynthia Kelley  
Tim Mattix, Assistant City Clerk

***Chair Mitchell called the meeting to order at 2:00 p.m.***

**ITEM I – Consideration of Meeting Minutes**

Motion by Jeff McHenry to approve the executive session minutes of April 4, 2013 and the board meeting minutes of April 4, 2013; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0.

**ITEM IV – New Members** (This item was taken out of order)

Motion by Chris McCormick to approve the new member applications of **Samantha Meadows, Stephen Neff, Jacob Schmidt, Henry Schwenkert, Christopher Tang, and Kelly Tyrrel**; second by Jeff McHenry. Motion passed unanimously on a voice vote 3-0.

The Board recessed at 2:04 p.m.; the Board reconvened at 2:05 p.m.

**ITEM II – Public Appearances**

Todd Long addressed the Board regarding agenda item VI, Initial Hearing for Accidental Disability Benefits. He provided an overview of the injuries he sustained in the accident, the surgeries that he underwent, and the recovery process, including 14 total surgeries and 21 months of physical therapy. He spoke about challenges he faced while recovering. He returned to work in 2011 and served as a Police Officer in a car, being unable to ride a motorcycle. He spoke about limitations once he returned to work, including: unable to pursue subjects on foot; weight of equipment was painful and tiring; unable to stand or walk for long periods of time; unable to remove the magazine from his gun without assistance; being physically and mentally tired after long, rigorous hours. He stated that the January 2013 internal investigation was an eye-opening experience; he had almost died due to the injuries but was unable to do the job any longer, so he retired.

John Commerford, attorney representing Mr. Long, addressed the Board. He stated that the media attention on Mr. Long is irrelevant to the case, and that the Board may not consider employee conduct. The Board may only consider whether or not there was a disabling injury that occurred at work. An orthopedic surgeon indicated that Mr. Long is permanently disabled. Continuing, Mr. Commerford stated that in *Parkinson v. Guadalupe Public Safety Retirement*

*Local Board*, the Court did not review the employee's conduct. He spoke about *Hosea v. City of Phoenix Fire Pension Board*, an exception to the *Parkinson* case where the applicant did not have evidence of an injury at work. He concluded that *Hosea* does not apply in this case, and if the Board chooses to deny Mr. Long's application, he would like to clarify the matter with the Court.

**ITEM III – Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §§ 38-431.03(A)(2), 38-431.03(A)(3), and 38-431.03(A)(4)**

Motion by Jeff McHenry to adjourn to Executive Session; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0. The Board convened into Executive Session at 2:15 p.m.; the Board Meeting was called back to order at 2:37 p.m.

**ITEM V – Retirement applications**

Motion by Jeff McHenry to accept the normal retirement application of **Haylee Bridges**, the normal retirement application of **Todd Long**, pending the outcome of the accidental disability application, and the normal retirement from the Deferred Retirement Option Plan of **James Maselli**; second by Chris McCormick. Motion passed unanimously on a voice vote 3-0.

**ITEM VI – Initial Hearing for Accidental Disability Benefits (continued from the April 4, 2013 Board meeting)**

Motion by Chris McCormick to proceed with the accidental disability benefit application of **Todd Long** by scheduling Mr. Long for an independent medical examination; second by Jeff McHenry. Motion passed unanimously on a voice vote 3-0.

**ITEM VII – Status Update on Pending Disability Applications (informational only; no action will be taken)**

Boardmember McHenry reported that **Daniel Kells** is scheduled for an independent medical examination on May 2, 2013; the Board should receive the medical board's report in the next several weeks.

**ITEM VIII – Future Agenda Items**

Daniel Kells – accidental disability application, following independent medical examination.

Todd Long – accidental disability application, following independent medical examination.

**Adjournment**

Motion by Chris McCormick to adjourn; second by Jeff McHenry. Motion passed unanimously on a voice vote 3-0. The meeting adjourned at 2:40 p.m.

---

Brigitta M. Kuiper  
Local Board Secretary